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Filing date: **09/06/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---------------------------|--|
| Proceeding | 92052308 |
| Party | Defendant Omega IP Co. |
| Correspondence Address | OMEGA IP CO 1205 PETERS DRIVE WATERLOO, IA 50703 UNITED STATES rfalk@calfee.com,rrundelli@calfee.com,ipdocket@calfee.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Ryan W. Falk |
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| Signature | /Ryan W. Falk/ |
| Date | 09/06/2012 |
| Attachments | 01610812.PDF (3 pages)(136045 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No.: 2,943,720

For the Mark: **HOMECREST CABINETRY**

| | | |
|--|---|----------------------------|
| HOMECREST OUTDOOR LIVING, LLC, |) | |
| |) | |
| Petitioner, |) | Cancellation No.: 92052308 |
| |) | |
| v. |) | |
| |) | |
| MASTERBRAND CABINETS, INC. |) | |
| <i>(by merger effective June 24, 2012, recorded at</i> |) | |
| <i>Reel No. 4813, Frame Nos. 0020 and 0035)</i> |) | |
| |) | |
| Respondent. |) | |

MOTION TO SUSPEND

Pursuant to 37 C.F.R. §2.117(c), and the Miscellaneous Changes to TTAB Rules, 37 C.F.R. Part 2 II.A., Respondent, through its attorney of record, hereby moves the Board to suspend the proceedings for a period of 60 days for good cause. Respondent has secured the express consent of the Petitioner for the suspension and resetting of dates requested herein.

Good cause exists for such a motion to suspend because Respondent and Petitioner entered into a Consent and Coexistence Agreement on July 6, 2012. Pursuant to the Consent and Coexistence Agreement between the parties a proposed amendment to the goods description of Petitioner's pending U.S. Trademark Application Serial No. 78/422,107 (the "Application") was made on July 13, 2012. The parties Consent and Coexistence Agreement was submitted to the United States Patent and Trademark Office ("USPTO") along with the proposed amendment to the goods description of the Application.

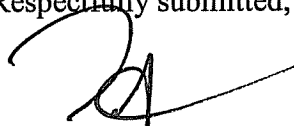
On July 17, 2012, the Examining Attorney in the Application issued an Office Action accepting most of the proposed revised goods description but raising an issue relative to one component of the goods description.

Respondent and Petitioner are currently discussing options for a revised goods description that would be acceptable to the Examining Attorney and have made attempts to contact the Examining Attorney in connection therewith. Respondent and Petitioner expect to reach a resolution as to a revised goods description that will be acceptable to the Examiner within the

next 30 days. Petitioner shall withdraw its Petition for Cancellation filed against U.S. Trademark Registration Nos. 2,943,720 and 2,997,041 within ten business days of the USPTO's acceptance of the revised goods description agreed upon by the Parties and the withdrawal of the rejection of the Application.

Accordingly, Petitioner moves for the suspension of the proceedings for a period of 60 days. Respondent has secured the express consent of the Petitioner for the suspension and resetting of dates requested herein.

Respectfully submitted,



Date: September 6, 2012

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Attorneys for Respondent, MasterBrand Cabinets,
Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **MOTION TO SUSPEND** was served upon all parties at their address of record as indicated in the records of the U.S. Patent and Trademark Office by first class mail, postage prepaid, this 6th day of September, in an envelope addressed as follows:

Z. Peter Sawicki
Westman Champlin & Kelly, P.A.
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Cabinets, Inc.